

AGENDA
JEFFERSON COUNTY PLANNING AND ZONING COMMITTEE
DECISION MEETING

Steve Nass, Chair; Greg David, Vice-Chair; Don Reese, Secretary; Amy Rinard; George Jaeckel

ROOM 203, COUNTY COURTHOUSE
311 S. CENTER AVE., JEFFERSON, WI 53549
8:30 A.M. ON MONDAY, FEBRUARY 27, 2017

1. Call to Order

The meeting was called to order by Chairman Nass at 8:30 a.m.

2. Roll Call (Establish a Quorum)

All Committee members were present at 8:30 a.m. Also present were Blair Ward, Corporation Counsel; Andy Erdman, Director of Land Information; Deb Magritz and Matt Zangl of the Zoning Department.

3. Certification of Compliance with the Open Meetings Law

Reese verified that the meeting was being held in compliance with open meetings law requirements.

4. Approval of the Agenda

Motion by Jaeckel, seconded by David to approve the agenda as presented.

5. Public Comment (Not to exceed 15 minutes and not to include petitions slated for decision-members of the public who wish to address the Committee on specific agenda items must register their request at this time)

There was no public comment.

6. Approval of January 30, February 10 and February 16 Committee Minutes

Motion by Reese, seconded by Jaeckel to approve the January 30 minutes as presented. Motion carried on a voice vote with no objection.

Motion by Jaeckel, seconded by Rinard to approve the February 10 minutes as presented. Motion carried on a voice vote with Reese abstaining.

Motion by Reese, seconded by Rinard to approve the February 16 minutes as presented. Motion carried on a voice vote with no objection.

7. Communications

There were no communications.

8. January 2017 Monthly Financial Report for Land Information Office – Andy Erdman

Erdman said there was not a lot to report. Their current revenues are either ahead or right at last year's revenue numbers.

9. February 2017 Monthly Financial Report for Zoning

Zangl reported that Zoning revenues are a little behind last year. When checking 2016 revenues, it was found that permits had been issued for a cell tower and several new homes.

PLEASE SEE INDIVIDUAL FILES FOR A COMPLETE RECORD OF THE FOLLOWING DECISIONS:

10. Discussion and Possible Action for Revision of R3918A-16, a Natural Resource Zone Owned by the Jack D Wendorf Trust in the Town of Farmington and Approved by County Board on September 13, 2016

Zangl explained that not all the wooded area was included in the initial Natural Resource zone request. This proposal includes the additional wooded area, approximately 1.2 acre, and asked if the Committee would consider adding it to the previous approval. Motion by Reese, seconded by Jaeckel to revise R3918A-16 to include the additional 1.2 acre. Motion carried on a voice vote with no objection.

11. Discussion and Possible Action on the Farm Consolidation Lot Portion of Petition R3942A-16 for Steve Wareham/Wareham Properties LLC in the Town of Concord, Presented in Public Hearing on December 15, 2016 and Subsequently Postponed

Zangl explained the redesign, done as the Committee had previously requested, and passed around the new preliminary map. Motion by Jaeckel, seconded by Rinard to approve the redesign. Motion carried on a voice vote with no objection.

10. (12.) Discussion and Possible Action on Petitions Presented in Public Hearing on February 16, 2017:

At this point the discussion moved to Petition CU1912-17 to accommodate guests in attendance.

POSTPONED CU1912-17 – Cold Spring Egg Farm Inc: Conditional use under Sec. 11.04(f)6 and Conditional Uses a.3. of the Jefferson County Zoning Ordinance to allow expansion of the intensive agricultural poultry operation at multiple sites including **W2022, W2024, W2026, W2408 and W2410 State Road 59**. This proposal is to allow 50,000 animal units, up from the 27,275 animal units currently allowed. The sites are made up of PINs 024-0516-2032-000 (39.79 Acres), 024-0516-1941-000 (40 Acres), 024-0516-1942-001 (5 Acres), 024-0516-1912-000 (53.8 Acres) and 024-0516-1911-000 (105.146 Acres), 024-0516-3031-000 (31.274 Acres) and 024-0516-3031-001 (13 Acres) in the Town of Palmyra. This conditional use permit also falls under the standards and requirements of ATCP51 in the A-1, Exclusive Agricultural zone.

The Chairman called the petition, and noted that this fell under ATCP51 so it was necessary for a roll call to be taken. Greg David, Amy Rinard, Steve Nass and Don Reese were Committee members indicating their attendance. George Jaeckel was in attendance, but indicated that he would abstain. Also in attendance were Matt Zangl from the Planning and Zoning Department and Blair Ward, Corporation Counsel.

Rinard asked whether she could make a motion, and Nass responded that Zangl should read the petition first, so that all would know what was about to be acted upon. Jaeckel asked whether he should leave the room, and Corporation Counsel Ward responded that it was not necessary for him to leave, but that he could just remove himself from the area where everyone was sitting and discussing. Zangl read the petition from the hearing notice, and summarized that Cold Spring Egg Farm Inc. was currently at 27,000 animal units, and asking to upgrade to 50,000 animal units. He noted that the finding of fact was read into the record at public hearing, and said that public testimony was given that evening. A Land and Water Conservation Department (LWCD) representative was present at public hearing and clarified some issues and noted that the application was found complete. There was also talk during public hearing of Cold Spring Egg Farm Inc. switching their nutrient management reporting deadline from September 30 to January 31, and LWCD seemed to have no problem with that. Zangl offered the file in case anyone wanted to refresh their memory. The Committee members declined.

Rinard made a motion that action on the petition be postponed until after the LWCD receives assurances that all the required permits for Cold Spring Egg Farm Inc. have been updated and approved. David seconded. Nass asked for any further discussion on that. Nass said that the only question he has on that motion is how will this Committee know when those have been approved? He thinks that our ordinance requires that at least they've been applied for. Rinard responded that LWCD would notify us after receiving those assurances. Nass asked for any comments from Corporation Counsel. Ward responded that after speaking with the Director of Planning and Zoning, Rob Klotz, the requirement that DNR's and other permits is pretty standard when approving a conditional use permit, and approval is typically granted by the Planning and Zoning Committee with the requirement that before the conditional use is effective or can go into effect, the property owner or petitioner get the approval; then it's a contingency. Here it seems that the Committee is proposing to do it the opposite way, where the approvals from the DNR are obtained first, then the Planning and Zoning Committee can act on it. Ward has no problem with that, but would like to make it clear that if this is not the normal way of doing business, a reason be stated on the record. He said he may be mistaken and maybe this is more normal than he understands, but he is just going through what he discussed with the Zoning Director last week, so if this is a deviation from the normal course of business, he would like to hear the reason why, or would encourage the Committee to put a reason why on the record. Nass responded that they do have the option, because the Committee can delay this 30 days, because they have that amount of time to act upon it. LWCD has completed their portion of what they do, they said that everything's in order. Reese interjected that the Committee approved LWCD's determination. Nass agreed that the Committee's approved that everything's in order. From that standpoint, it doesn't put the Committee in any worse situation if they wait 30 days, and they bring this up at their next decision meeting. But to add to that, he asked what would be a reason to wait 30 days. Rinard responded that she truly believes that the citizens who spoke at the February 16

public hearing have raised some significant issues here; she'd like to have more information. She'd like to know all the facts; she'd like to be assured that if and when Cold Spring Egg Farm Inc. does expand, that all the appropriate regulatory mechanisms are in place to minimize its impact on land, air, water and the lives of people who live around them. David agreed. He stated that he thinks there's been significant information brought forward that calls to question the completeness of the application, and because this is a five million bird operation, this is one of the biggest zoning changes made since he's been on the board, which has been 14 years, and he'd like to have all the ducks in a row (in this case, chickens) before the Committee goes ahead with this. Nass asked whether Reese had anything to say, he didn't. Rinard further stated that she didn't think postponement would pose a significant hardship to the petitioner, and honestly, if she was the owner of Cold Spring Egg Farm Inc, she would really want to have all the regulatory mechanisms in place before she expanded. Nass asked for any additional response, and to Reese's question of him, added that he would have no problem waiting 30 days and getting more information if it makes his Committee more comfortable; it's of no consequence at this point. Rinard asked if the postponement has to be 30 days, because her motion says postponement until we are assured that all the appropriate permits have been received. That may take longer than 30 days. Nass reported that, in his discussion with Rob, (the Planning and Zoning Director,) and in looking at our ordinance, we have 90 days to act from when they went through the LWCD-they use their portion up, and then apply to us, so we have at least about 40 days yet. Dave Hill from Cold Spring Egg Farm Inc. was in attendance, and questioned what the Committee was looking for for documentation. Nass replied that Amy made the motion, and from what he can understand, they would hope that Cold Spring Egg Farm Inc could get further along cajoling and lighting a fire under the DNR regulatory portions that can't seem to get their act together and get Cold Spring Egg Farm Inc. the information that they need and give them some time to get that so that satisfies some of the folks who are concerned with some of those DNR issues. Nass noted that this Committee doesn't have a direct concern about what went to the LWCD, but that's what the discussion is going on. Hill started to reply about renewal of WPDES, but Rinard protested and Hill was called out of order. Nass felt it was okay to update Hill, since he had just walked in the room, but no discussion was allowed on the floor at that time-Nass was just explaining why this came up. Hill will be able to talk with Zoning Department staff after the meeting. Zangl reminded those present that on January 9, LWCD submitted their determination of completeness, so they've reviewed everything they needed to review and have submitted their determination of completeness. Nass added that we're in that 90-day period following determination of completeness, so after that point action has to be taken or it goes beyond and past this Committee. Zangl reiterated that LWCD has reviewed everything, and everything they've reviewed is up to date. Rinard responded that she understood. Nass stated that the Committee has that amount of time, and after that it is out of this Committee's hands either way.

A roll call vote was called by Nass with Reese voting no, Nass voting yes, Rinard voting yes and David voting yes. Nass stated that it passed, and will be on the Committee's agenda next time around, and noted that Cold Spring Egg Farm Inc has completed their portion with LWCD and that the Planning and Zoning Committee has approved that completion.

APPROVED WITH CONDITIONS R3956A-17 – Charles & Christine Teich, on a motion by Reese, seconded by David: Create a 2.6-acre farm consolidation lot around the home and buildings at **N8825 Willow Road** from part of PIN 032-0814-1421-000 (31.133 Acres) in the Town of Watertown in accordance with Sec. 11.04(e) and 11.04(f)6 & 8 of the Jefferson County Zoning Ordinance. Motion carried on a voice vote with no objection.

APPROVED WITH CONDITIONS R3957A-17 – Viola Behm, on a motion by Jaeckel, seconded by Rinard: Create a 9-acre Natural Resource zone near **County Highway A** in the Town of Oakland from part of PIN 022-0613-2831-002 (50.65 Acres) in accordance with Sec. 11.04(e) and 11.04(f)12 of the Jefferson County Zoning Ordinance. Motion carried on a voice vote with no objections.

APPROVED WITH CONDITIONS CU1909-17 – Boyd Rasmussen, on a motion by Jaeckel, seconded by Reese: Conditional use under Sec. 11.04(f)2 Conditional uses.j. of the Jefferson County Zoning Ordinance to sanction an extensive on-site storage structure totaling 1,800 square feet, 18 feet in height at **W3410 Crestwood Drive** in the Town of Cold Spring. The site is on PIN 004-0515-3413-001 (1.79 Acres) and is zoned Residential R-2. Motion carried on a voice vote with no objection.

APPROVED WITH CONDITIONS CU1910-17 – Donald Schneider, on a motion by David, seconded by Reese: Conditional use under Sec. 11.05(c)8. Of the Jefferson County Zoning Ordinance to extend approval for mineral extraction at **W393 Woodward Road** granted by CU231-87 and updated with CU1550-09, CU1569-09, CU1616-10 and CU1814-15. The site is in the Town of Cold Spring on PIN 004-0515-3621-000 (36.261 Acres) and is zoned A-1,

Exclusive Agricultural. This conditional use also falls under the standards and requirements of NR135. Motion carried on a voice vote with no objection.

APPROVED WITH CONDITIONS CU1911-17 – Scott Whiting/WZ LLC, on a motion by Reese, seconded by Jaeckel: Conditional use under Sec. 11.04(f)1 of the Jefferson County Zoning Ordinance to allow an extensive on-site storage structure of 1,904 square feet, 20 feet in height adjacent to **W9421 Porter Drive** in the Town of Oakland. The site is PIN 022-0613-0743-049 (0.269 Acre) and is zoned Residential R-1. Motion carried on a voice vote with no objection.

11. (13.) Possible Future Agenda Items

CU1912-17 Cold Spring Egg Farm Inc

12. (14.) Upcoming Meeting Dates

March 10, 8:00 a.m. - Site Inspections Beginning in Courthouse Room 203

March 16, 7:00 p.m. – Public Hearing in Courthouse Room 205

March 27, 8:30 a.m. - Decision Meeting in Courthouse Room 203

April 17, 8:00 a.m. - Site Inspections Beginning in Courthouse Room 203

April 20, 7:00 p.m. – Public Hearing in Courthouse Room 205

April 24, 8:30 a.m. - Decision Meeting in Courthouse Room 203

13. (15.) Adjourn

Motion by Reese, seconded by Jaeckel to adjourn. Motion carried on a voice vote with no objection, and the meeting adjourned at 9:00 a.m.



Don Reese, Secretary

If you have questions regarding the petitions, please contact the Zoning Department at 920-674-7131. Petition files referenced on this agenda may be viewed in Courthouse Room 201 between the hours of 8:00 a.m. and 4:30 p.m., Monday through Friday, excluding holidays. Materials covering other agenda items can be found at www.jeffersoncountywi.gov.

A quorum of any Jefferson County Committee, Board, Commission or other body, including the Jefferson County Board of Supervisors, may be present at this meeting.

Individuals requiring special accommodations for attendance at the meeting should contact the County Administrator at 920-674-7101 at least 24 hours prior to the meeting so that appropriate arrangements can be made.

A digital recording of the meeting will be available in the Zoning Department upon request.